

REMARKS/ARGUMENTS

Claims 1, 12 and 27 have been rejected under 35 U.S.C. §112, first paragraph. The basis for the rejection is essentially the same as the basis set forth in the Office Action dated October 30, 2007.

In a response to the rejection set forth in October 30, 2007, the following was provided:

Responsive to the rejection of claims under 35 U.S.C. §112, first paragraph, note that the Figures now support source, drain and gate electrodes as recited in the claims.

Also, note that the specification at page 7, lines 7-13, discloses a current path that includes vertical portions along gate oxide layers 70 to 74 and “upwardly” through regions 90 or 92 to drain electrode 31. Thus, there is adequate support for the limitations set forth in claims 1, 12 and 27.

Furthermore, Fig. 4 illustrates a P region 51 to which drain electrode 32 is connected, and an N region 52 formed in P region 51 to which source electrode 31 is connected. Thus, Fig. 4 illustrates a PN junction (junction of regions 51, 52) to which drain and source electrodes are connected as recited in the claims.

However, in the Office Action there is no explanation as to why the proffered evidence is unacceptable. Instead, only conclusory statements are provided. The basic standard for determining whether the written description requirement is satisfied is “the description clearly allow[s] persons of ordinary skill in the art to recognize that he or she invented what is claimed”. MPEP §2163.02.

Furthermore, the Examiner has the burden to show the inadequacy of the written description. MPEP §2163.04

So far, the record contains no evidence in support of the Examiner’s rejection under 35 U.S.C. §112, first paragraph. In fact, the record clearly provides support for the claimed subject matter. It is submitted, therefore, that the rejection of the claims pursuant to 35 U.S.C. §112, first paragraph, should be withdrawn as unsupported by any evidence.

Claims 1, 12, and 27 have been rejected under 35 U.S.C. §112, second paragraph, on the grounds that it is “unclear as to how the respective electrodes can be formed on one first major surface, and at the same time have a vertical component which is generally perpendicular to said first major surface”.

Claims 1, 12 and 27 call for the current path to have a vertical component, not the electrodes. Therefor, the rejection of claims 1, 12 and 27 is without a basis and should be withdrawn. Reconsideration is requested.

Claims 1, 12 and 27 have been rejected under 35 U.S.C. §103(a) as obvious over Nakagawa et al. (Nakagawa), U.S. 5,105,243, Coe et al. (Coe) U.S. 5,128,730 and Rinne et al. (Rinne) U.S. 6,117,799. Reconsideration is requested.

In the previous response, the following was stated:

As presently worded the claims call for the current path between the power electrodes (source and drain electrodes) that are on the same surface to have a vertical component. The Examiner alleges that Nakagawa teaches a vertical current path between electrodes on opposite surfaces of a die. Clearly, the limitation in question does not read on Nakagawa. Thus, Nakagawa fails to teach the limitation necessary to establish a *prima facie* case of obviousness. Reconsideration is requested.

In response, the Examiner has stated the following:

Applicant's device comprises source and drain electrodes located on the same surface. If the source and drain electrodes in applicant's device can create a current path having a vertical component which is generally perpendicular to said first major surface from said source electrode to said drain electrode, so can said source electrode and said drain electrode in Nakagawa et al.'s device.

This response is not understood. Particularly, it is not understood how the subject matter of the claims can have an effect on Nakagawa. A reference teaches whatever it teaches. The

literal scope of a claim cannot impart meaning to a reference. It is submitted, therefore, that the record lacks a basis for the rejection of the claims. Reconsideration is requested.

Each of the remaining claims depends from one of claims 1, 12 and 27, and, therefore, includes the limitations thereof, as well as additional limitations which in combination with those of its base claim are not shown or suggested by the art of record. Reconsideration is requested.

The application is believed to be in condition for allowance. Such action is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on June 23, 2008

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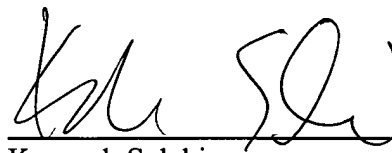
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June 23, 2008

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Respectfully submitted,



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